

That neither the "Park" nor the extension of "Swastika Road" have been developed nor constructed; nor have either parcel been used by the public as a park or roadway.

That The City of Frederick has entered into an agreement to sell the property, along with other land to M. S. Milliner Construction, Inc. M.S. Milliner Construction, Inc. has submitted a plat of subdivision which has been approved by the Frederick City Planning Commission, wherein portions of the property are incorporated into residential building lots. The restrictive covenants may prevent the construction of dwelling houses and fencing on the proposed lots.

That the restrictive covenants imposed on the property were not part of a general plan of improvement adopted for the whole community.

That the vacation of the extension of "Swastika Road" and the "Park" by The City of Frederick has caused a change in the character of the property so that the restrictive covenants no longer serve their intended purpose and the covenants are of no benefit to the Respondents.

That the Respondents may claim or assert an interest in enforcing the restrictive covenants.

WHEREFORE, Your Complainants respectfully pray:

1. That this Honorable Court pass a decree releasing the covenants from the land;
2. That this Honorable Court pass a decree declaring the restrictive covenants unenforceable;
3. That this Honorable Court pass a decree enjoining the Respondents, their assigns, devisees, heirs at law, personal representatives and/or executors, from asserting any claims at law or in equity to enforce the restrictive covenants; and,
4. For such other and further relief as may be deemed proper and just.

It is, thereupon, this 13<sup>th</sup> day of October, 1983, by the Circuit Court for Frederick County, Maryland,

ORDERED, That the Sheriff post a copy of this ORDER upon the lands on or before the 13<sup>th</sup> day of October, 1983, giving notice